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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/787,120	02/27/2004	Koichiro Tanaka	0756-7259	4693		
31780 ERIC ROBINS	7590 11/01/2007		EXAMINER			
PMB 955				LUU, CHUONG A		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Application No. Application No. 10/78/1/20 TANAKA ET AL.					111
Examiner Chuong A Luu -The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CPR 1.136(a). In or event, however, may a regly be timely filed after Stx (9, MONTHS from the maining date of this communication. If NO wind for regly is specified above, the maniforms stability periodic date is 100, MONTHS from the mining date of this communication. If NO wind for regly is specified above, the maniform stability periodic date of the communication of the provisions of 37 CPR 1.136(a). In or event, however, may a regly be timely filed. If NO wind for regly is specified above, the maniform stability periodic cause the application is become ABANDONED (36 U.S.C. § 130). Any reply received by the Office bette with there embrish after the maling date of this communication, which is communication and provided the score of the provision of the score and plantment. See 37 CPR 1.704(b). Responsive to communication(s) filed on 18 October 2007. 2a) ☐ This action is FINAL. 2b) ☐ This action is provided and 15-24 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5b) ☐ Claim(s) is/are allowed. 6b) ☐ Claim(s) is/are allowed. 6c) ☐ Claim(s) is/are allowed. 7c) ☐ Claim(s) is/are allowed. 8c) ☐ Claim(s)	:		Application No.	Applicant(s)	
Chuong A. Luu Chuong A. Luu Chuong A. Luu The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 23 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Establishes the interrupt be waiting the provision of 37 CFR 1.135(a), in no event, mover, may reply be timely field If NO period for regy is specified above, the maximum statutory period will apply and will expire 31 (2) MONTHS from the mailing date of this communication. Failur to reply when the set or extended period for reply it, by statute, cause the application to become APANDONE (3) US C. § 137. Failur to reply when the set or extended period for reply. It by statute, cause the application to become APANDONE (3) US C. § 137. Failur to reply when the set or extended period for reply. It is action in a parameter. Status 1) ■ Responsive to communication(s) filed on 18 October 2007. 22) ■ This action is FINAL. 2b) ■ This action is non-final. 3) ■ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Queyle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ■ Claim(s) 7.8.10-13 and 15-24 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ■ Claim(s) is/are allowed. 6) ■ Claim(s) is/are allowed. 6) ■ Claim(s) is/are allowed. 7) ■ Claim(s) is/are allowed. 8) ■ Claim(s) is/are allowed. 10 ■ The specification is objected to by the Examiner. 4Application Papers 9) ■ The specification is objected to by the Examiner. Application Papers 9) ■ The specification is objected to by the Examiner. Application Paper * c) ■ Note of the priority documents have been received. 2 ■ Certified copies of the priority documents have been received in Application No is application from the International Bureau (PCT Rule 17.2(a)). **See			10/787,120	TANAKA ET AL.	
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be waitable under the provisions of 37 CFR 1.35(a). In or event, nower, may a reply be timely filed after SX (8) MONTES from the mailing date of this communication. If NO period or reply is specified above, the machines date of the communication. If NO period or reply is specified above, the machine statutory period will apply and existing is become National to become National to become National to become National SC 43 (3). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status 1) ☑ Responsive to communication(s) filed on 18 October 2007. 2a) ☑ This action is FINAL. 2b) ☑ This action is replaced in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☑ Claim(s) 7.8.10-13 and 15-24 is/are pending in the application. 4a) Øf the above claim(s) is/are withdrawn from consideration. 5i ☐ Claim(s) is/are allowed. 6) ☑ Claim(s) is/are allowed. 6) ☑ Claim(s) is/are allowed. 7i ☐ Claim(s) is/are allowed. 7i ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) is/are objected to. 8) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12] ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of. 1. ☐ Certified copies of the priority documents have been received in Applicati		, ,	VIO DET TO EVEIDE an	MONTH (O) OR THIRTY	(00) DAYO
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Paper No(s)/Mail Date 10/18/2007. 6) Other:) 5) D Notice of I	nformal Patent Application (PTC	D-152)

Application/Control Number: 10/787,120

Art Unit: 2818

DETAILED ACTION

Request For Continued Examination (RCE)

The request filed on October 18, 2007 for a Request For Continued Examination (RCE) under 37 CFR 1.53(d) based on parent Application No. 10/787120 is acceptable and a RCE has been established. An action on the RCE follows.

PRIOR ART REJECTIONS

Statutory Basis

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

The Rejections

Claims 7-8, 10-13 and 15-24 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-25 of copending Application No. 10/792,797. Although the conflicting claims are not identical, they are not patentably distinct from each other because the term of

Application/Control Number: 10/787,120

Art Unit: 2818

shaping a first laser beam and moving the substrate, as claimed in the present, is considered obvious for the ordinary skill in the art to recognize as in the copending application number 10/792,797. Thus, this is a double patenting rejection.

This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuong A. Luu whose telephone number is (571) 272-1902. The examiner can normally be reached on M-F (6:15-2:45).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven H. Loke can be reached on (571) 272-1657. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CHUONG LUU
PRIMARY EXAMINER